

4/14/79

Dear Les,

Today's local paper carries the Pratt column that is not in the WxPost. I've been expecting it, having known the story for a while. Last time I was in DC I spoke to East suggesting how he could carry it further. He wants us to get together next time I'm there but I don't know when this will be. I go only when I must, almost ~~never~~ never for other than FOIA cases.

Here is where Pratt has the worst of records, particularly in one of my cases, the granddaddy of all FOIA cases, the one that was responsible for the 1974 amending of the investigatory files exemption.

I expect another remand in it shortly from the court of appeals, judging from the way oral argument went.

It is not possible for Pratt to have been more pro-FBI than in that case. He went farther. He misrepresented the evidence and the testimony or transcripts in his Opinion. He made nasty cracks about me commercializing the assassination. (He should live so!) He was openly contemptuous of the appeals court's remand to him. He foreclosed discovery and was untruthful in his opinion about it when the remand was for discovery. I was told to take testimony by deposition (not how to pay for it) and he cut that off. He made up explanations for the FBI's not providing records I proved existed in the depositions I was able to take.

And I'd be surprised if he did not have the "research" for his Opinion, most not in the case record, from the "public source material" the FBI provides. I can't imagine that he or his clerk did that (one-sided) research.

As chairman of the assignment panel of the district court or whatever they call it he had a "random" assignment of all of my cases filed after 1977 before a single judge who is more openly biased than he, John Lewis Smith. Four of them, all four. The odds against this as normal are fantastic.

Pratt and Smith thrive on official perjury and chide those who prove it. He once threatened Jim and me when we proved an agent named John Kilty provided a false affidavit. Really did, saying that if we said such things outside of court we'd be sued. When Jim expressed our willingness Pratt expressed surprise and dropped it.

Thereafter he was unsurprised when Kilty provided another affidavit proving his first one was false. It made no difference to Pratt when we took testimony and provided documentary evidence proving Kilty's second affidavit also was false.

I shudder to think of the poor bastards before such judges on criminal charges when they are not guilty.

I don't know how willing to talk lawyers will be about such matters but those specializing in FOIA cases can show you how fantastic sums are wasted, how government lawyers can get away with anything and how the great Act is negated by the Pratts. I have no reluctance.

In fact I've tangled with him, politely, of course, but very pointedly and I've made direct accusations in affidavits I've filed with him. But I also want to be honest with you: he is so biased and has so bad a record that when I believe this case will always be a hot one to any judge and will keep bouncing to the court of appeals until someone wears out or goes away (I won't wear out) I think I prefer a known quantity and an overt bias with a very bad record. I've told Jim not to ask Pratt to recuse himself if and when there is a remand. (Maybe Pratt will do it voluntarily, particularly if he can shift the case to a Smith.)

I'm a firm believer and intending practitioner of what I call intellectual judo.

Pratt's snide cracks have enabled me to take him at the literal word and I've done it. When he said 'im could not depose me but I could provide an affidavit I gave him a book, with attachments in great number and significance.

In short he gave me the opportunity to make an historical record by his bias and practises and comments and I made full use of the opportunity. I've written an extensive and entirely uncontradicted history of the FBI'S covering up in the JMK investigation as it relates to the corpus delicti and I've proven without reasonable doubt that the official solution is untenable and thus provides motive for the continued withholdings.

In this I was armed by the remand, which states that the existence or non-existence of the information sought is of interest to the nation, not to me alone, and that I should establish the existence or non-existence.

One means was to show the need for the records to exist. And did I even, friend!

(Don't read it or your safe opinion will change, the one I never argue with.)

It has bled me but I've used the blood to write other than books with.

People like Pratt and Smith and like-minded judges have tried hard to nullify a wonder, a typically American Act of the Congress designed to let the people know what their government does. The cost to poor people and to the Government has been very great in cash, aside from the nullification over which these judges preside.

There was once a time when the DJ had six lawyers assigned to me!

I don't think the ~~min~~ column is about to touch the substance of my case before Pratt but without that it is a classic example of his boast to the FBI, of his bias in their favor.

Bast can provide virtually the same thing with Smith, who also could be unguarded. Or I have it from him.

Excuse the haste,

and best wishes,

